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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,984	12/19/2000	Ho Joong Jeong	P-164	2684

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EXAMINER

ZEWDU, MELESS NMN

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/738,984

Applicant(s)

JEONG, HO JOONG

Examiner

Meless N Zewdu

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) none is/are allowed.
- 6) ☐ Claim(s) 1-8, 10-13 and 15-18 is/are rejected.
- 7) ☐ Claim(s) 9, 14 and 19 is/are objected to.
- 8) ☐ Claim(s) none are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 19 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

1. This action is the first on the merit of the instant application.
2. Claims 1-19 are pending in this action.

### ***Specification***

The disclosure is objected to because of the following informalities: The "variable value for setting a phone-locked state" is not adequately explained/defined to make one of ordinary skilled in the art make and use the invention without undue experiment.

Appropriate correction is required.

The disclosure is objected to because of the following informalities: the paragraph on (see page 1, lines 23-25) is incomplete. Appropriate correction is required.

### ***Claim Objections***

Claim 1 is objected to because of the following informalities: the claim has a typographical error (see claim 1, line 5) wherein 'form' is mistaken for --from---. This error also appears on page 3, line 7 of the specification. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7, 12 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. "An other protocol type field" needs to be defined so that one of ordinary skill in the art would know the type of the protocol. As it stands now, it refers to all sorts of protocols.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In the context of claim 4, a message can only be transmitted either for a predetermined number of times or until it is received by the intended receiver. But, it can't be both ways. That makes it vague and indefinite as a careful reading can show.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 10-13 and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Meche et al. (Meche) (US 5,600,708).

**As per claim 1:** a method for controlling phone-locking of a mobile communication terminal comprising the steps of:

Receiving a phone-locking request signal from a user reads on '708 (see col. 2, lines 1-22; col. 4, lines 10-37). Reported includes any report by anyone including a use.

Transmitting an order message for phone-locking to a lost terminal, when the phone-locking request signal is received reads on '708 (see col. 2, lines 1-22; col. 3, lines 16-22).

Setting a phone-locked state for the lost terminal according to the transmitted order message for phone-locking reads on '708 (see col. 5, lines 20-45; col. 6, lines 32-36).

**As per claim 2:** the method wherein the order message is transmitted from a mobile communication service provider through a base station to the lost terminal reads on '708 (see col. 2, lines 1-22; col. col. 5, lines 5-11).

**As per claim 10:** a method for controlling phone-locking of a mobile communication terminal including the steps of;

Receiving an order message reads on '708 (see col. 3, lines 16-22; col. 5, lines 20-45).

Checking whether the received order message is a message for phone-locking reads on '708 (see col. 5, lines 20-45).

Reading a password from a memory in case that the order message is a message for phone-locking, reads on '708 (see col. 3, lines 9-67; col. 5, lines 20-45; col. 6, lines 19-31). MT's executing internal UIM locking procedures includes reading a password from a memory.

Enabling a variable value for phone-locking reads on '708 (see col. 9, lines 12-42). To extent of examiners understanding of "variable value for phone-locking" as recited in claim 10, the prior art shows one lock action per message wherein the messages are plural.

**As per claim 11:** the method wherein the order message is transmitted from a mobile communication service provider through a base station to the lost terminal reads on '708 (see col. 2, lines 1-22; col. col. 5, lines 5-11).

**As per claim 12:** the method wherein the order message for phone-locking comprising:  
A message type field reads on '708 (see col. 9, lines 12-43).

An other protocol type field reads on '708 (see col. 7, lines 11-18).

An order specific field reads on '708 (see col. 9, lines 22-42). Each of the codes in the recited paragraph represents 'order specific field' associated with a message.

**As per claim 13:** the method wherein the terminal judges of the order message for phone-locking on the basis of the order specific field value of the order message reads on '708 (see col. 8, lines 57-67; col. 9, lines 22-42).

**As per claim 15:** a method for controlling phone-locking of a mobile communication terminal comprising the steps of;

transmitting an order message to a lost terminal in case that a phone-locking request signal is received from a user reads on '708 (see 3, lines 16-22; col. 4, lines 10-20; col. 4, line 66-col. 5, line 1). The prior art advantageously teaches that a network can remotely enable and disable if a mobile station is reported stolen/and or by detecting misuse of the device and making follow up using three lists (see col. 4, lines 10-20).

Setting the state of the lost terminal as a phone-locked state according to the transmitted order message reads on '708 (see col. 3, lines 16-22, lines 49-52).

Receiving an order message reads on '708 (see col. 3, lines 16-22; col. 5, lines 20-45).

Checking whether the received message is a message for phone-locking reads on '708 (see col. 5, lines 20-45).

Reading a password from a memory in case that the order message is a message for phone-locking reads on '708 708 (see col. 3, lines 9-67; col. 5, lines 20-45; col. 6, lines 19-31). MT's executing internal UIM locking procedures includes reading a password from a memory.

Enabling a variable value for phone -locking reads on '708 (see col. 9, lines 12-42). To extent of examiners understanding of "variable value for phone-locking" as recited in claim 10, the prior art shows one lock action per message wherein the messages are plural.

**As per claim 16:** the method wherein the step of transmitting an order message comprising the steps of:

Transmitting an order message to a lost terminal reads on '708 (

Receiving a response signal to the order message from the lost terminal reads on '708 (

Transmitting an order message acknowledge signal to the lost terminal, when the response signal is received

**As per claim 17:** the features of claim 17 are similar to the features of claim 12. Hence, claim 17 is rejected on the same ground as claim 12.

As per claim 18: the method wherein the terminal recognizes the order message for phone-locking when the order specific field value of the order message is a predetermined value reads on '708 (see col. 9, lines 22-42).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meche as applied to claim 1 and 15 above, and further in view of examiner's Official Notice (EON).



**As per claim 3:** the method wherein the step of transmitting an order message comprising the sub-steps of:

Transmitting an order message to a lost terminal reads on '708 (see col. 2, lines 1-22; col. 3, lines 16-22).

Receiving a response signal to the order message from the lost terminal reads on '708 (see col. 4, lines 21-37; col. col. 6, lines 28-43). But, Meche does not explicitly teach about transmitting an order message acknowledge signal to the lost terminal, when the response signal is received. However, examiner is of the opinion that acknowledging to a request; responding to the request; and acknowledging the receipt of the request and/or the response between two communication entities, like a mobile station and a network) is well known in the art and would have been obvious for one of ordinary skill in the art to apply such messaging protocol for the advantage of satisfying the communicating parties. For instance, (US 6,148,201) shows such a messaging procedure/protocol (see col. 10, line 63-col. 11, line 7).

**As per claim 16:** the features of claim 16 are similar to the features of claim 3. Hence, claim 16 is rejected on the same ground and motivation as claim 3.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meche as applied to claims 1 and 3 above (as modified by examiner's Official Notice), and further in view of Fascenda et al. (Fascenda) (US 6,304,746 B1).

**As per claim 4:** But, Meche does not explicitly teach about a method wherein an order message is repeatedly transmitted for a predetermined time number of times until a response signal is received, as claimed by applicant. However, in a related field of

endeavor, Fascenda teaches that a service provider/MSR can repeatedly retransmit a response message until a requesting party or a paging party indicates the reception of the message (see col. 10, lines 54-64). It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teaching of Meche, as modified by EON, with that of Fascenda for the advantage of ascertaining that a message is received by an intended party.

Claim 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meche as applied to claim 1 above, and further in view of Vaihoja et al. (vaihoja) (US 5,835,858).

**As per claim 5:** the method wherein the step of setting a phone-locked state comprising the sub-steps of:

Receiving an order message from a base station reads on '708 (see col. 2, lines 1-22; col. 5, lines 5-11).

Checking whether the received order message is a message for phone-locking reads on '708 (see col. 5, lines 20-30).

Reading a stored password, setting a phone-locked state reads on '708 (see col. 3, lines 49-57; col. 5, lines 5-45). But, Meche does not explicitly teach about re-booting the terminal, in case that the received order message is a message for phone-locking, as claimed by applicant. However, in a related field of endeavor, Vaihoja teaches that a cellular/mobile phone can be rebooted (see col. 4, lines 40-42; col. 10, lines 27-29).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the

invention was made to reboot Meche's mobile telephone for the advantage of getting an acquired network service.

**As per claim 6:** the method wherein the terminal executes a corresponding order command in case that the received order message is a general order message reads on '708 (see col. 5, lines 20-45). It is obvious that if the or when the message is not a command to activate a phone –locking, it is a general service message.

**As per claim 7:** the method wherein the order message for phone-locking comprising:  
A message type field reads on '708 (see col. 9, lines 12-43).

An other protocol type field reads on '708 (see col. 7, lines 11-18):

An order specific field reads on '708 (see col. 9, lines 22-42). Each of the codes in the recited paragraph represents 'order specific field' associated with a message.

**As per claim 8:** the method wherein the terminal judges of the order message for phone-locking on the basis of the order specific field value of the order message, reads on '708 (see col. 9, lines 22-42).

### ***Allowable Subject Matter***

Claims 9, 14 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless N Zewdu whose telephone number is (703) 306-5418. The examiner can normally be reached on 8:30 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Meless Zewdu

*M.Z.*

Examiner

22 August 2003.

*W. Trost*

WILLIAM TROST  
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